

REMARKS

Applicants wish to thank the Examiner for the Interview of September 23, 2005, and for noting the allowance of claims 96 and 97 in the Final Office Action.

This Reply is submitted in response to the Final Office Action. Applicants request respectfully that the Examiner adopt the new Listing of Claims as set forth above, and withdraw as moot the rejections maintained in the Final Office Action. Applicants further respectfully request that the Examiner confirm her consideration of the publications identified in and provided with the Supplemental Information Disclosure Statement, filed on November 14, 2005 (the "Supplemental IDS").

As detailed more fully below, the new Listing of Claims places this case in condition for allowance by (a) canceling all of the claims for which rejections had been maintained in the Final Office Action; (b) maintaining claims 96 (with one minor amendment to correct a grammatical error) and 97 which had been allowed in the Final Office Action; and (c) adding new claims 110-158. Each of these new claims depends, directly or indirectly, from allowed claim 96, and follow the structure and detail of claims previously presented in this application.

In view of the new Listing of Claims, and in particular the cancellation of all claims for which rejections had been maintained in the Final Office Action, applicants further request respectfully that these claim rejections be withdrawn as moot.

Applicants filed a Supplemental IDS in accordance with 37 CFR § 1.97(c) on November 14, 2005. Upon examination of the file wrapper for this application, applicants note the absence of any paper of record affirmatively indicating that the citations listed on and accompanying the Form PTO-1449 filed with the Supplemental IDS had been considered. Accordingly, applicants also request respectfully that the Examiner make of record an initialed copy of the Form PTO-1449 applicants filed with the Supplemental IDS.

Status of the Claims

Claims 1-95 and 98-109 have been canceled, claim 96 has been amended to correct a grammatical error, claim 97 remains unchanged from the previous Listing of Claims, and new claims 110-158 are proposed to be added. Accordingly, claims 96, 97

and 110-158 are now presented for the Examiner's consideration.

Applicants are aware that a substantial number of new claims are being presented after the issuance of a final action. Yet despite their number, it is evident, upon even cursory review, that these claims track the structure and detail of previously presented claims directed to other aspects of the invention (i.e., compositions, dosage forms, methods of making dosage forms, and methods of treatment). Insofar as method claims 96 and 97 have been allowed, applicants seek only to articulate details of the claimed method which had previously presented in connection with other aspects of the invention. As a result, it is important to note that all of the proposed new claims (a) depend, directly or indirectly, from allowed claim 96; and (b) follow the structure and detail of other claims previously presented in this application.

Support for the new claims presented herein is found throughout the specification and specifically in the presently rejected claims on which they are modeled. In order to assist the Examiner in readily confirming the close correspondence in structure and content of the new claims with canceled claims, applicants present the following table detailing this correspondence for each proposed new claim.

| <u>Canceled claim</u> | <u>Proposed new claim</u> |
|-----------------------|---------------------------|
| 3 | 110 |
| 4 | 111 |
| 5 | 112 |
| 6, 67 | 113 |
| 7 | 114 |
| 11 | 115 |
| 12 | 116 |
| 13 | 117 |
| 14 | 118 |
| 15 | 119 |
| 16 | 120 |
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| 42 | 144 |
| 47 | 145 |
| 49 | 146 |
| 50 | 147 |
| 51 | 148 |
| 53 | 149 |
| 54 | 150 |
| 55 | 151 |
| 56 | 152 |
| 57, 67 | 153 |
| 58 | 154 |
| 61 | 155 |
| 62 | 156 |
| 64 | 157 |
| 64 | 158 |

Remarks Concerning Withdrawn Claim Rejections

The applicants acknowledge and thank the Examiner for noting the withdrawal of two of the claim rejections under 35 U.S.C. § 102, one based on Inamori and the other based on Jang, and for the withdrawal of the claim rejection under 35 U.S.C. § 103 based on Jang in view of Einarsson and/or Watts.

Remarks Concerning Rejections in Final Office Action

In view of the applicants' cancellation without prejudice of claims 1-95, and 98-109 as set forth in the above Listing of Claims, applicants respectfully request that all of the rejections set forth in the Final Office Action be withdrawn as moot.

Remarks Concerning the Listing of Claims

The Listing of Claims set forth above places this case in condition for allowance. All of the claims for which rejections had been maintained in the Final Office Action have been canceled, and claims 96 and 97 which had been allowed in the Final Office Action remain unchanged except for a correction of a grammatical error in the third line section (a)(ii) of claim 96.

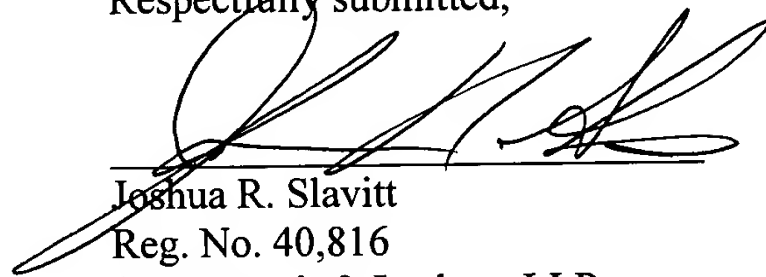
New claims 110-158 depend either directly or indirectly from allowed claim 96. As a result, the new claims cannot present issues of patentability with regard to prior art. In claiming particular aspects of the method of claim 96, new claims 110-158 follow the structure and detail of claims directed to other aspects of the invention which had been previously presented and rejected on prior art grounds but not for any lack of compliance with 35 U.S.C. § 112. As a result, by their dependency on allowed claim 96 and their correspondence with previously presented claims for which no § 112 rejection had been raised, it is readily evident that new claims 110-158 are properly allowable.

In addition to the foregoing demonstration that the new claims satisfy the statutory requirements of patentability, applicants submit respectfully that there are good and sufficient reasons why new claims 110-158 are necessary and were not earlier presented. Allowed claims 96 and 97 present one aspect of the invention, namely, a process for the preparation of a solid composition, but do so without many important details regarding the components of the compositions so made or the dosage forms capable of being made therefrom. Many of these important details, however, had been recited in claims directed to other aspects of the invention, namely, compositions and dosage forms themselves. As a result, as long as claims to compositions and dosage forms remained pending in the application such details were covered and it was unnecessary for applicants to repeat such details in claims directed to a method for making the composition as well. Now that all of the claims directed to compositions and dosage forms have been canceled, it has become necessary for applicants to amend the application to add new claims 110-158 so that claim coverage of these details can be maintained.

Conclusion

In view of the foregoing proposed amendments and remarks, applicants submit respectfully that the application is in condition for allowance and request respectfully prompt issuance of a Notice of Allowance. If any issues remain, the undersigned invites the Examiner to seek resolution of such issues prior to the issuance of an Action.

Respectfully submitted,



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Joshua R. Slavitt
Reg. No. 40,816
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189